



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



226970

13 NOV 2001

REPLY TO THE ATTENTION OF C-14J

VIA FACSIMILE AND U.S. MAIL

Vincent Oleskiewicz
Baker & McKenzie
One Prudential Tower
130 E. Randolph
Chicago, Illinois 60601

RE: November 4 and 6, 2001
River East Dust Incidents

Dear Vince:

As you are aware, on Sunday, November 4, 2001 at approximately 8:15 am, a construction contractor working for your client, River East LLC reportedly trespassed upon the vacant lot at 341 E. Ohio. As you also know from previous correspondence, the 341 E. Ohio property is subject to the Lindsay Light Unilateral Administrative Order V-W-'96-C-352, as amended, because it is contaminated with thorium wastes associated with the Lindsay Light and Chemical Company operations formerly located at your client's property at 316 E. Grand Avenue. According to several witnesses, personnel inside the fenced and gated 341 E. Ohio property kicked piles of dirt, apparently in an attempt to provide a level landing area for the helicopter. These witnesses also described a helicopter hovering over and then landing upon 341 E. Ohio. Workers on the ground then attached a cable to the helicopter. The helicopter lifted and retrieved equipment from the 316 E. Grand construction project and placed it on a truck in the street. Witnesses also told U.S. EPA that the helicopter's propeller wash blew considerable dust and debris from 341 E. Ohio onto the streets and sidewalk and into the air. Several concerned citizens called the City of Chicago's 311 line and were referred to U.S. EPA's hotline. Later, U.S. EPA received information that River East has used the 341 E. Ohio as a helicopter staging area during several weekends over the past few months.

River East is a named respondent in the 1996 Lindsay Light UAO, as amended, and is subject to its provisions. U.S. EPA is reviewing that order to determine if River East has violated its provisions or other provisions of CERCLA that prohibit interference with a response action.

In addition to the helicopter dust incident, area residents also reported that on November 6, 2001, workers using an air

blower to clean the sidewalk in front of the River East building at the intersection of Grand and McClurg streets created a dust cloud. Again, because contaminated soils have been found in this area, the community is concerned that the dust also may be contaminated.

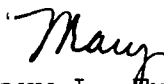
These two incidents have created unnecessary alarm in the Streeterville community, that thorium-contaminated dust may have been blown from the 341 E. Ohio location or from the McClurg/Grand sidewalk opening. Based upon the information that we have at this time, we do not believe any contaminated material was made airborne by either the workers' kicking of the soil boring piles or the wash from the helicopter propellers. We request that you take all necessary precautions to control dust as required by City and State environmental regulations and all appropriate precautions-given the heightened sensitivity of the Streeterville community to the potential for exposure to thorium contaminated dust.

In order to allow us to protect human health from potential releases of hazardous substances, respond fully to citizen inquiries and assure that we have a complete record of events, please send a brief written summary of your client's account of the events on November 4 and 6, including the names, job titles and companies involved in each incident. This request for information is made pursuant to Section 104(e) of CERCLA. We would appreciate receipt of this summary in advance of the November 20, 2001 Streeterville Organization of Active Residents meeting that we have been invited to attend.

These two incidents also point to the need for a response to our letter dated December 21, 2000 regarding the Kraft Building parking lot thorium contamination. Our concern for proper control of the contaminated area is underscored by the thorium-contaminated soil River East recently excavated from beneath the sidewalk on the east side of McClurg Street.

Please send your written reply to this letter. If you would like to discuss this matter further, please contact me at (312) 886-4683, or call my co-counsel, Padma Klejwa, at (312) 886-4683.

Sincerely,


Mary L. Fulghum
Associate Regional Counsel

cc: Mort Ames, Corporate Counsel
City of Chicago

bcc: Larry Jensen, SE-5J
Mike Joyce, P-19J
Padma Klejwa, C-14J
Fred Micke, SE-5J
Verneta Simon, SE-5J